

Lot Merger Ordinance

• Compliance Required •

19.04.020 Purpose

1. The creation of subdivisions which are consistent with and serve to implement the policies and provisions of the General Plan;
2. The conservation of open space in the City;
3. The protection of landowners, lot purchasers and surrounding residents;
4. The provision of orderly and controlled growth within the City;
5. The provision of adequate traffic circulation, utilities and other services;
6. The protection and stabilization of property values; and
7. The preservation of the public health, safety and general welfare.

Lot Merger (Pre 2009)

(Ordinance 2001 – 10)

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications:

1. The lots to be merged are under common ownership at the time of the merger.
2. The lots as merged will be consistent with or will be more closely compatible with the applicable zone district regulations and other regulations relating to the subject property.
3. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger



Lot Merger (Post 2009)

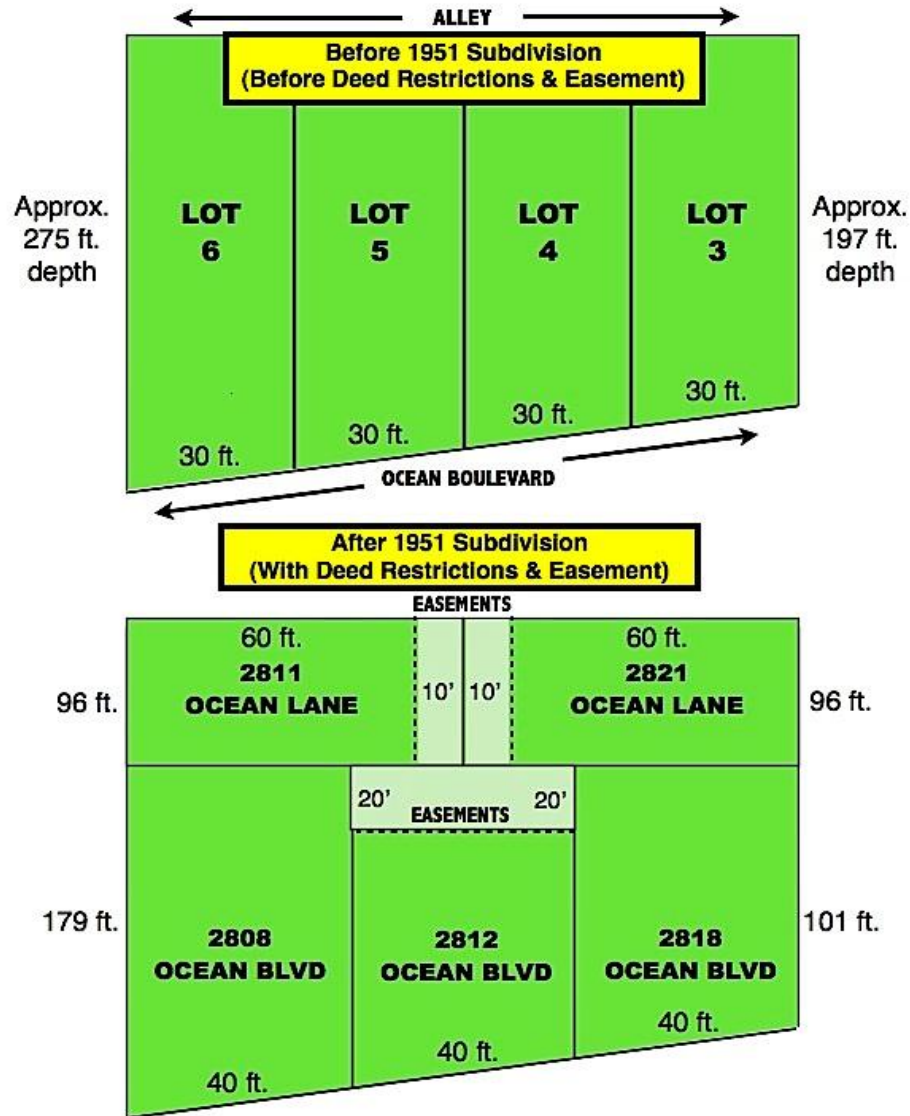
(Ordinance 2009 – 30)

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.68)

1. **Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.**
2. The lots to be merged are under common fee ownership at the time of the merger.
3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.
4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.
5. **The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.**



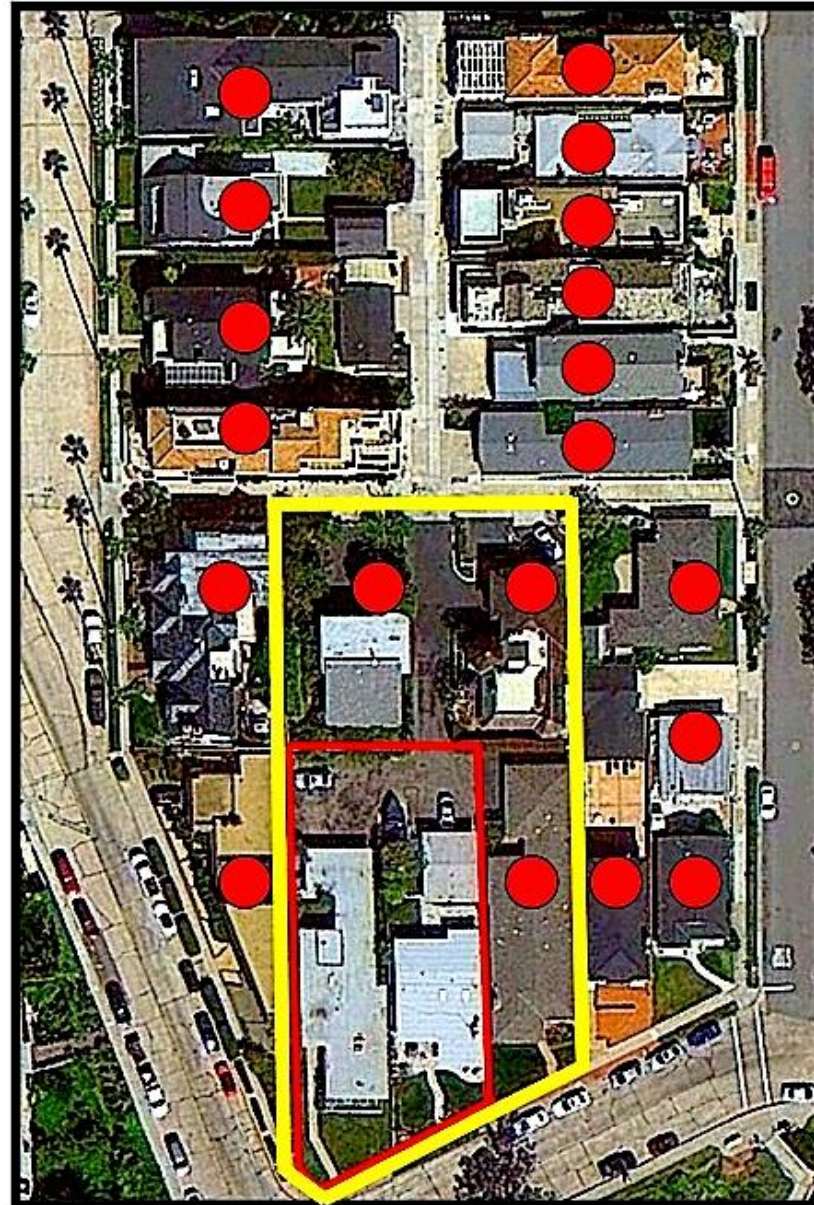
1951 Re-Subdivision of Lots (3,4,5,6 • Block #34)



- This 1951 Subdivision Divided 4 (30') Lots Into 5 Lots.
- As A Result 3 Deed Restrictions Relating To View Were Adopted.
- Consequently 8 Easements Were Put In Place (*Quid Pro Quo*).
- Lots Are Integrally Connected • Any Change To One Affects All.

BLOCK #34
UNANIMOUSLY OPPOSES
LOT MERGER

● - RED DOTS : SIGNED PETITION



• **IMPACT OF MERGER** •
ON NEIGHBORHOOD



**VIEW FROM LOOKOUT POINT
(43% of Frontage of Entire Block 34)
(90' Feet On Ocean Boulevard)**





Corona del Mar Village

City of Newport Beach

... AREA SURVEYED ...

OCEAN BLVD – BAYSIDE DR
CARNATION AVE – POPPY AVE

• Number of Lots & Percentage •

46.0%

258
Lots

0 - 4,000

43.1%

242
Lots

4 - 6,000

8.4%

47
Lots

6 - 8,000

9 Lots

1.6%

8 - 10,000

1 Lot

0.2%

10 - 12,000

1 Lot

13,325

0.2%

12 - 14,000

1 Lot

14,580

0.2%

14 - 16,000

• Lot Size (Square Feet) •

... STOP ...
THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
(SUPPORT RESOLUTION NO. 1857)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH **'DENYING'**
LOT MERGER OF PROPERTIES LOCATED AT • **2808 & 2812 OCEAN BOULEVARD** • (PA2011-141)

REQUIRED FINDINGS FOR DENIAL (Ch.19.68) :

A-1 The lot merger would allow development that is incompatible with the size and mass of structures on neighboring properties within Block 34. The removal of the interior lot line would eliminate the interior side setback (three feet) on each property, create a buildable area greater than currently exists on the two separate lots, and eliminate the open space that the interior side setbacks currently provide.

B-1 The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the subject properties and surrounding lots within Block 34.

C-1 Approval of the merger will be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

- *The conservation of open space in the City;*
- *The protection of landowners, lot purchasers and surrounding residents;*
- *The provision of orderly and controlled growth within the City;*
- *The protection and stabilization of property values;*

RESPONSIVE GOVERNMENT :

Elected officials and City staff listen and respond to the interests of residents.

**The undersigned ask to the Newport Beach City Council
support their decision & deny the appeal :**



• OLD CORONA DEL MAR •
(AT PRESENT TIME)



• NEW CORONA DEL MAR •
(13,500 SQ.FT. LOTS)



END
OF
PART 1

Dear Mayor Gardner & Fellow Members of the Newport Beach City Council:

On behalf of the John & Julie Guida Trust(s), we are requesting the City Council's approval of the Lot Merger for the properties located at 2808 & 2812 Ocean Boulevard in Corona del Mar. As you are aware, while the Zoning Administrator approved this Lot Merger on September 14, 2011, the item was appealed by the adjacent residents to the Planning Commission on October 20, 2011.

The Planning Commission denied the Zoning Administrator's approval on a set of Findings which we believe were not appropriate and based on inaccurate assumptions. We are therefore requesting, with our appeal of the Planning Commission's action, that you approve the Lot Merger.

While technically a Lot Merger is not based on the home that may be built on the merged lots, the appeal that went forward to the Planning Commission, was essentially based on the Guida's residence being "too tall". The resident's claimed the proposed home violates 1951 Joint Tenancy Grant Deed which stipulates a "one-story home(s)" be built on the properties in question. Their stated appeal was based however on the "health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood".

It should be noted that the proposed home meets all of the city's zoning, planning, and building standards and is in full compliance with all the city requirements.

Selected Facts in Support of the Finding:

F. Finding: The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

F-1. Corona del Mar consists of lots of varying shapes and sizes. **The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13.678 square feet.** Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.

In conclusion, we believe it is important to note that the Planning Commission came to their conclusions by a narrow view of the term "neighborhood". And made their findings based on the single block where these properties are located – Block 34 (Planning Commission Finding A-1). We agree with staff's interpretation of the term "neighborhood" as meaning the **general vicinity** and not a single Block where a property may be located.

We believe the proposed Lot Merger meets all the required findings and request the City Council's approval.

Sincerely,
Coralee S. Newman
(Applicant's Representative & Principal- Government Solutions, Inc.)



**The lots as merged will be consistent with the surrounding pattern of development and;
will not create an excessively large lot that is not compatible with the surrounding development**

Consistent:

- 1. Consistent with;**
- 2. Comparable to;**
- 3. Conforming with;**
- 4. Commensurate to;**
- 5. Equivalent to;**
- 6. Proportionate to.**

• ANOMALY •
Lots of
13,000 Sq. Ft.

• COMPARATIVE LOT SIZE •

Table 1: Project Characteristics

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Boulevard	7,217 sq. ft.	40 feet
2812 Ocean Boulevard	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to Ocean Boulevard		
2900 Ocean Boulevard	13,326 sq. ft.	66 feet
2908 Ocean Boulevard	10,049 sq. ft.	78 feet
3222 Ocean Boulevard	14,579 sq. ft.	111 feet

3 properties were used as evidence of comparable lot sizes. But none are in Block 34. As you can see there is a sharp drop off after the first three 14,579, 13,699, 13,326 and then a drop of 3,277 sq.ft to 10,049. His merged lot would be second largest in Old Corona Del Mar. They are in no way compatible or consistent to other properties in the surrounding neighborhood. In fact these lots are anomalies and they were merged prior to the Lot Merger Amendment (2009-30) which came into effect in 2009



• **PUBLIC & PRIVATE** •
LOSS OF VIEWS



43% OF FRONTAGE ON OCEAN BLVD.

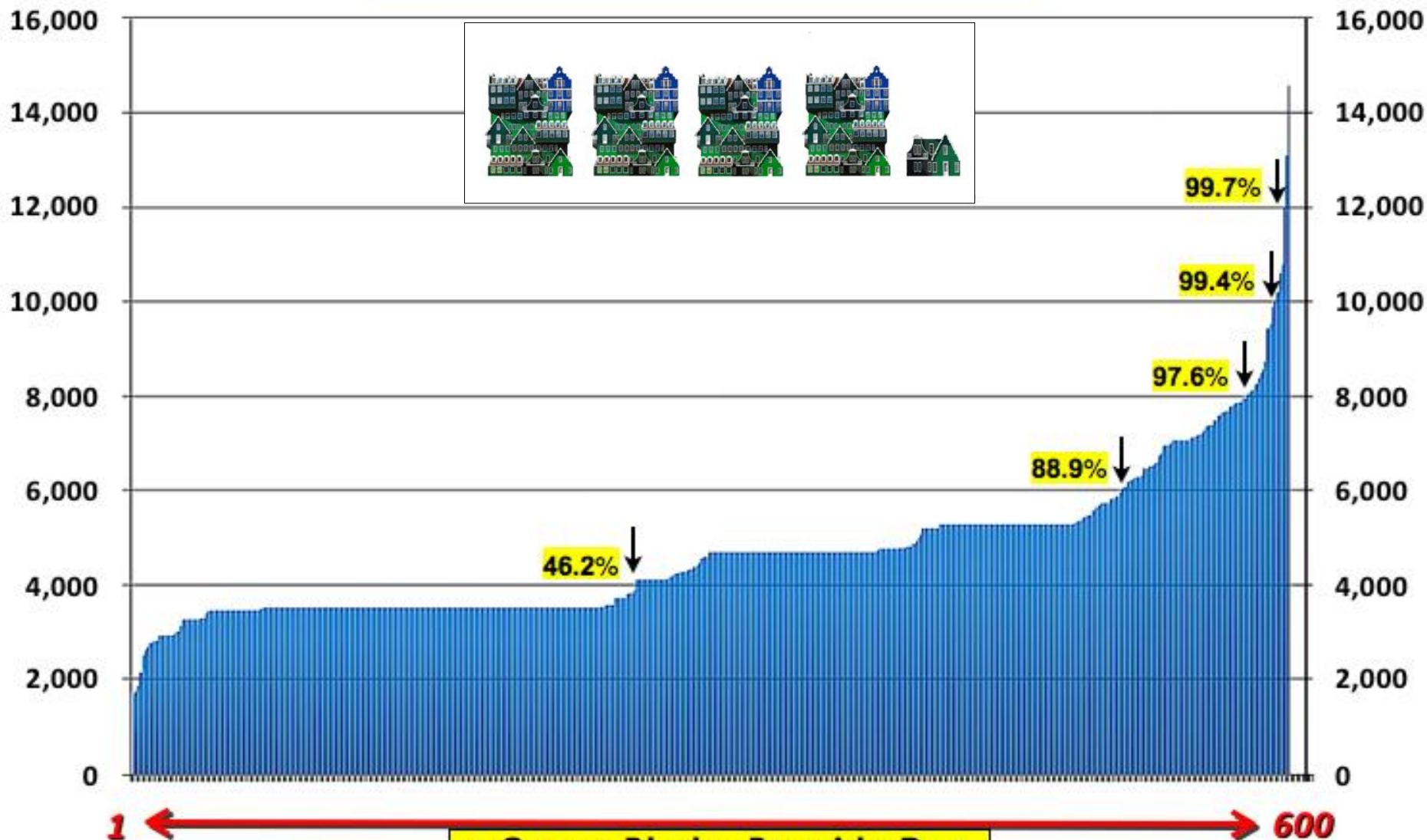


VIEW FROM BAYVIEW DRIVE

Lot
Sq. Ft.

OLD CORONA DEL MAR LOT SIZES • SQUARE FOOTAGE

Lot
Sq. Ft.



• Ocean Blvd – Bayside Dr •
Carnation Ave – Poppy Ave



Corona del Mar Village

City of Newport Beach

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

47,831

TOTAL
SQ.FT.
of
BLOCK

47,831

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

21,240

21,240

21,240

21,240

33,347

37,919

38,695

**Percentage
of Block 34**

52,366

13,699

• 26.2% •



Defending Private Property Rights:

- *Private property rights are increasingly being undermined and are the target of increasing assaults even though our government has a constitutional duty to preserve and protect them.*
- *When people's actions only affect themselves, we usually could care less what they do. But when individuals' actions begin to harm others, then we do care and we want to stop it.*
- *When the government does restrict the behavior of individuals, this is not necessarily a bad thing. These forms of "mutual coercion" are usually in the public interest and work to our common benefit.*
- *I know in my heart that man is good. That what is right will always eventually triumph. And there's purpose and worth to each and every life.*

"Protecting the rights of even the least individual among us is basically the only excuse the government has for even existing."

- Ronald Reagan

"There are no easy answers' but there are simple answers. We must have the courage to do what we know is morally right."

- Ronald Reagan

END
OF
PART 2

In April 2010 the Corona Del Mar Residents Association under the direction of **Karen Tringali**, took a **survey of all 6,350 residential households** in Corona del Mar (Zip 92625) regarding how the members of the community felt about saving and preserving the 1.5 FAR. The results were virtually unanimous. **Over 88% of survey respondents wanted to maintain the character and village atmosphere in the Flower Streets**, and didn't believe that could be achieved if the floor area ratio was increased any larger than 1.5. Based on the number of respondents and the overwhelming majority opinion, **it was determined that between 78%-98% of all Corona del Mar residents would have responded the same way.**

During that General Plan hearing, time and again residents stated their desire to: "Maintain the charm of our neighborhoods" and "Reign in the "mansionization" of our community".

IN OUR PETITION DRIVE SURVEY

• OVER 300 SIGNED •

• 101 OCEAN BLVD. RESIDENTS •

99% OF RESIDENTS OPPOSE THIS MERGER

PANORAMIC VIEW LOSS
FROM 2811 OCEAN LANE





LOT MERGER LAW

• Title 19 • Lot Mergers • **• (Ordinance 2009 – 30) •**

ALL FINDINGS
MUST BE MET
TO
APPROVE MERGER



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19.68 Lot Merger

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FILED
JUL 10 1906

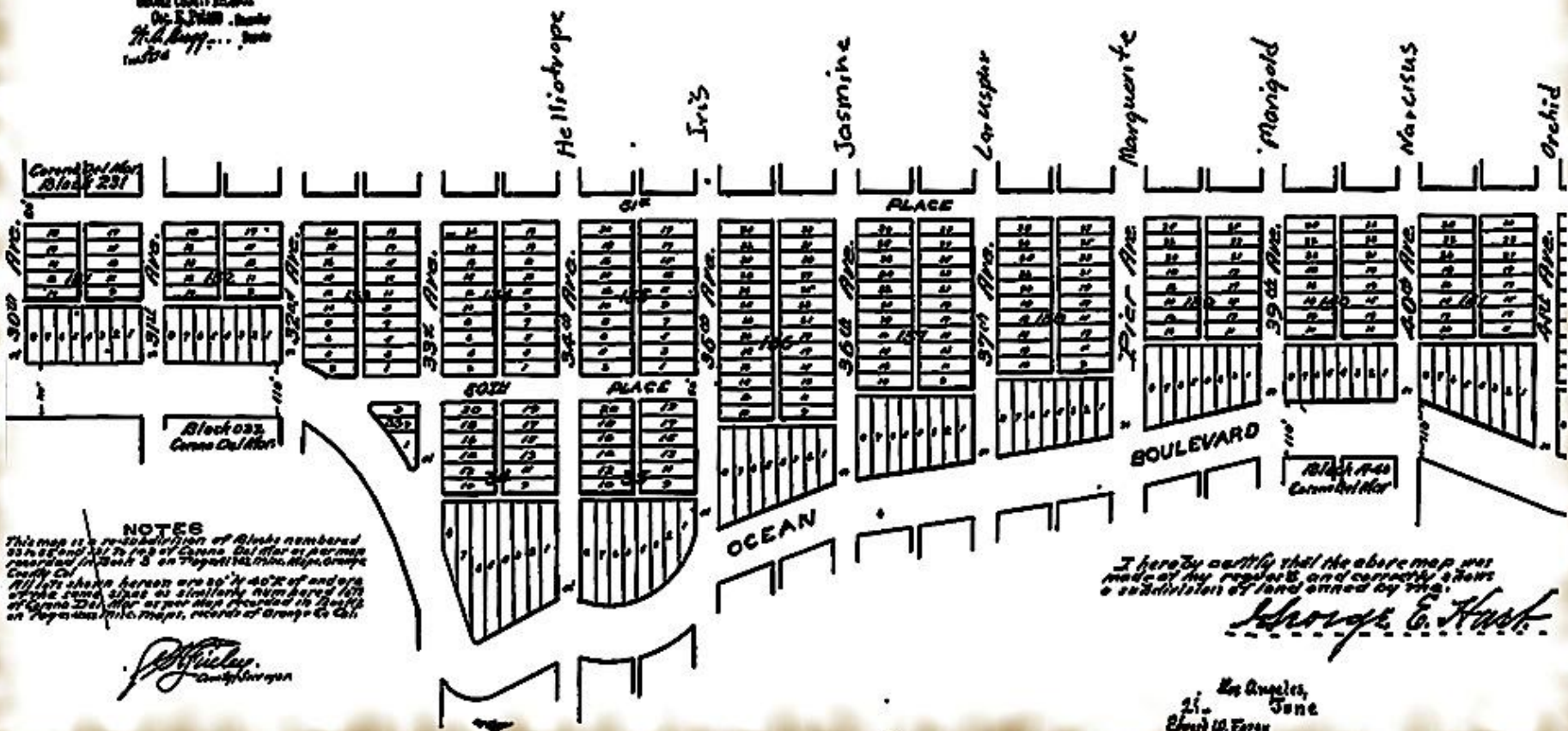
229-10-10 et seq. to
of record of
Owner
ORANGE COUNTY RECORDS
Oct. 1, 1900. Book
H. H. Hagg...
1000

GOLDEN STATE TRACT

MAP OF

Re-Subdivision of

CORONA DEL MAR



NOTES
This map is a re-subdivision of Blocks numbered 231 and 232 of Corona Del Mar as per map recorded in Book 5 on Page 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

I hereby certify that the above map was made of the regular and correctly shown a subdivision of land owned by me.

George E. Frost

Los Angeles, June 21, 1906
Chas. W. Enos